

BOARD OF REGISTRATION IN NURSING
Substance Abuse Rehabilitation Program (SARP)
SARP Policy 06-001

Title	SARP Participants' Unauthorized Substance Use or Impairment During Program Participation
Purpose	The Board of Registration in Nursing (Board) adopts this policy, to identify criteria for SARP staff authorized action in response to a SARP participant's use of unauthorized substances or impairment, or both, during program participation.
Date Adopted/Revised	April 12, 2006, October 22, 2008 (corrected) ¹ , May 12, 2010 (revised), May 11, 2011 (revised), July 13, 2016 (revised), September 12, 2018 (revised), October 10, 2018 (revised), January 9, 2018 (revised)
General Statement of Policy	The Board authorizes a SARP staff who receives substantial evidence ² of a SARP participant's unauthorized substance use or impairment, or both, to initiate and impose steps that are described in this policy.
Reliable Evidence Received	<p>A SARP staff may rely on, but shall not be limited to, the following reliable evidence to conclude that a SARP participant has demonstrated unauthorized substance use, impairment, or both:</p> <ol style="list-style-type: none"> 1. A SARP participant's self-report, treatment provider report, or any report by a third party that the participant has engaged in unauthorized substance use or has been impaired, <i>provided that</i> such report is supported by statement or documentation by a person to whom the participant has admitted such use or impairment or a person who has observed such use or impairment; and/or 2. A SARP participant's positive toxicology screening test, performed by the Board's Designated Drug Testing Management Company (DTMC), for any unauthorized substance(s) of abuse that are not supported by a current and valid prescription provided to the SARP staff prior to the toxicology test date.

¹ The policy was corrected to insert the generic term "Drug Testing Management Company (DTMC)" and remove the name of a particular vendor.

² As defined in the State Administrative Procedures Act at Mass. Gen. Laws, c.. 30A, §1(6), substantial evidence is "such evidence as a reasonable mind might accept as adequate to support a conclusion."

Requirements	<ol style="list-style-type: none"> 1. The SARP staff, upon determination of the substantiated reliability of the evidence received, <i>will</i>: <ol style="list-style-type: none"> a. Notify the SARP participant, in writing, of the receipt of the information and that the participant <i>must</i>: <ol style="list-style-type: none"> i. Immediately cease all nursing practice and notify his/her employer that the participant is no longer authorized to be working in any nursing capacity. ii. Cease all nursing practice until they are notified in writing by the Board that they may resume. iii. The SARP staff will schedule the participant's matter to be heard by the SAREC/Board for its determination of the participant's eligibility for continued participation in SARP, and any corresponding SARP contract changes. iv. Immediately, the SARP staff will contact the SARP participant's employer(s) and notify each that the participant is no longer authorized to be working in any nursing capacity. 2. Any SARP participant who demonstrates unauthorized substance use or impairment, or both, will have their nursing practice privileges delayed or placed on hold for <i>at least</i> twelve (12) months³ from the date of occurrence. 3. Any SARP participant who demonstrates authorized substance use or impairment, or both, will have the SARP participant's CASP extended to a date that corresponds with the SARP requirement that a SARP participant must be in continuous and sustained recovery from all substances of abuse throughout the three (3) year period immediately preceding a participant's successful discharge from SARP.
Noncompliance	<p>Any SARP participant who fails to comply with terms of the CASP after being extended due to the terms of this Policy will be terminated from SARP and the Board will suspend his/her nursing license pursuant to the CASP.</p>

³ Unless otherwise authorized by the Board